

REMARKS/ARGUMENTS

Claims 1-32 are pending in this application. Claims 18-26 have been withdrawn from further consideration. Claims 1, 6, 12 and 27 have been currently amended. Claims 1, 6, 12 and 27 are independent claims. Support for the amendment may be found throughout the Specification and Drawings.

Independent Claims 1, 6, 12 and 27 each recite a limitation of “said data storage device is a drive tray or a controller”. In rejecting Claims 1, 6, 12 and 27, the Patent Office alleged that “Stevens, III discloses the item 16 may be a laptop computer, which can be broadly interpreted as a controller” (emphasis added) (Office Action dated 01/10/2006, page 3, lines 4-5). Applicant respectfully disagrees.

As the Patent Office is well aware, Applicant is required to seasonably challenge statements by the Patent Office that are not supported on the record, and failure to do so will be construed as an admission by Applicant that the statement is true. M.P.E.P. §2144.03. Therefore, in accordance with Applicant’s duty to seasonably challenge such unsupported statements, the Patent Office is hereby requested to cite a reference supporting the position that a laptop computer can be broadly interpreted as a controller. If the Patent Office is unable to provide such a reference, and is relying on facts based on personal knowledge, Applicant hereby requests that such facts be set forth in an affidavit from the Patent Office under 37 C.F.R. 1.104(d)(2).

Therefore, Applicant believes that Claims 1-17 and 27-32 are allowable over the cited references.

CONCLUSION

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of
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By: _____

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